



December 19, 2016

Cecil Wright, Chief Operating Officer
Iowa Utilities Board
1375 Court Avenue, Rm. 69
Des Moines, Iowa 50319-0069

**Re: In re Dakota Access, LLC, Docket HLP-2014-0001
Notice Regarding Winter Construction Activities**

Dear Cecil:

I am writing to provide information relating to Dakota Access's intention to defer certain post-construction restoration activities on certain parcels in Iowa until the spring of 2017. At present, all pipeline construction has been completed in Iowa with the exception of a limited amount of post-construction restoration activities on some remaining parcels in Iowa (the "Remaining Restoration Activities").

As you are aware, all pipeline construction is completed except for land restoration, which is approximately 80% complete. While Dakota Access anticipated being able to complete all restoration activities prior to December 31, 2016 and worked diligently toward completion in a single growing season, due to the 90 day regulatory delay from March 10, 2016 until June 7, 2016, as well as several incidents of trespassers interfering with construction work, those efforts unfortunately fell just short. The Remaining Restoration Activities will not be completed before that date. Accordingly, in order to mitigate potential impacts to the soil and consistent with Section 3.6 of the Board-approved Winter Construction Plan, the Remaining Restoration Activities will be deferred until the spring of 2017 as set forth herein.

Timeline

Dakota Access's contractors will wrap up restoration activities for the season no later than December 24, 2016, at which time the Remaining Restoration Activities and all other construction activities to which the Agricultural Impact Mitigation Plan ("AIMP") applies will be suspended until the spring of 2017. Dakota Access anticipates that the only activities it will undertake during the deferral period will be the placement of Dakota Access's fencing at valve and launcher/receiver sites, which is not an activity to which Chapter 9 of the Board's rules or the AIMP applies. On December 23, 2016, Dakota Access will release all county inspectors for

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the winter months, as no construction activities coming under the AIMP will be taking place to inspect. Dakota Access will provide notice to and re-engage county inspectors in the spring of 2017 consistent with the notice provisions below. Dakota Access anticipates that work will commence on or about March 1; we will advise the Board if it appears that date will change in a material way.

Notice of Re-Convening Restoration Activities

Fourteen (14) days prior to restarting restoration activities in the spring of 2017, Dakota Access will provide notice to the Board, to the County Board of Supervisors for each affected County, and to each affected county inspector of Dakota Access's intention to re-start and complete the Remaining Restoration Activities in the spring of 2017. Similar to the landowner notice requirements in the AIMP, Dakota Access will also provide a fourteen (14) day notice in writing and a 48 hour notice to each affected landowner prior to re-starting the Remaining Restoration Activities.

Winter Maintenance/Emergency Situations

To the extent any maintenance and/or repair activities necessary to remediate an emergency or other urgent situation (such as observed erosion or ground changes around the line) arise during the time that restoration activities are deferred, Dakota Access will perform the necessary maintenance and/or repairs consistent with Iowa Code § 479B.17 and will provide advance notice to the applicable County Engineer and to each affected landowner prior to performing the work.

Information Filed with the Board

Dakota Access will file its final weekly construction report for the season on Wednesday, December 28, 2016, and will resume the filing of the weekly construction report following the first week of re-starting construction activities in the spring of 2017. Consistent with the Board's November 17, 2016 Order Regarding Winter Construction, on or before December 30, 2017, Dakota Access will also file with the Board a list of the parcels on which restoration activities will be deferred until the spring of 2017.

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If you have any questions, please feel free to contact me.

Respectfully,

/s/ Bret A. Dublinske

Bret A. Dublinske
Counsel for Dakota Access, LLC

Cc: Affected County Auditors (on behalf of their Boards of Supervisors)
County Inspectors